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**RECEIVED**

**JAN 21 2005**

UTAH STATE  
INSURANCE DEPT.

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MELISA GABRIELSEN  
aka MELISA ROBERDS  
1001 E. Crandall Ave.  
Salt Lake City, UT 84106  
License No. 200165

**STIPULATION  
&  
ORDER**

**2005-012 PC**  
Docket No. \_\_\_\_\_

Enf. Case No. 1562

**STIPULATION**

1. Respondent, Melisa Gabrielsen (aka Melisa Roberds), is a licensed title insurance agent in the State of Utah, holding License No. 200165.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
  - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
  - c. Respondent stipulates to the summary entry of the Order herein which shall be

in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

3. Respondent is aware of her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.

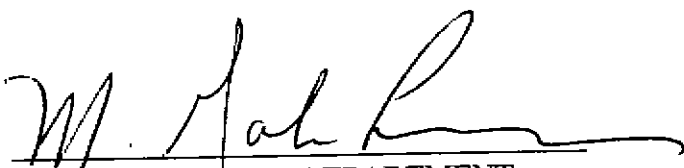
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 13<sup>th</sup> day of January, 2005.

  
MELISA GABRIELSEN

  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

### **FINDINGS OF FACT**

1. During the period of about May 22, 2003, through July 23, 2003, Respondent acted as an escrow closing agent in eleven (11) real estate closings wherein Respondent distributed funds in settlement prior to having good funds in the escrow trust account.

2. On or about September 12, 2003, Respondent acted as an escrow closing agent in a transaction where title insurance was issued and notarized an Escrow Agreement, a Mortgage Trust Deed and a Second Mortgage Trust Deed that were not signed by the person purported to have signed them.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

### **CONCLUSIONS OF LAW**

1. In disbursing fund from an escrow trust account prior to good funds being available in said account for disbursement, Respondent violated Utah Code Annotated 31A-23a-406(5).

2. In notarizing documents in connection with a transaction involving the issuance of title insurance that were not signed by the purported signer, Respondent violated Utah Code Annotated § 31Aa-23a-402(1)(a)(i).

3. Respondent's actions bring into question her fitness to hold an insurance license under Utah Code Annotated § 31A-23A-107(2).

4. Respondent is subject to the assessment of administrative forfeitures pursuant to Utah Code Annotated § 31A-2-308(1)(b), the suspension of her license pursuant to Utah Code

Annotated § 31A-23a-111(4)(b)(i) and -111(4)(b)(ii)(A), and is subject to placement of her license on probation pursuant to Utah Code Annotated § 31A-23a-112.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

### **ORDER**

IT IS HEREBY ORDERED:

1. Respondent's title agent's license is hereby suspended for a period of 45 days beginning on the seventh calendar day following the date of this Order. During said suspension, Respondent shall not act in any capacity for any entity holding a title license issued by the Utah Insurance Department.
2. Respondent is assessed an administrative forfeiture in the amount of \$5,000.00, all of which is suspended pending compliance with the terms of the suspension of Respondent's license and successful completion of the probation imposed herein.
3. Respondent's license is placed on probation for the period of 12 months, beginning with the date of the termination of the period of suspension of her license. The terms of probation are:
  - a. Respondent shall abide by the terms of the suspension of her license;
  - b. Respondent shall complete four (4) hours of ethics continuing education during the period of probation in addition to that required for renewal of her license; and,
  - c. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any Order of the Commissioner.

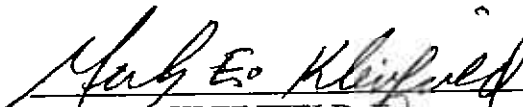
### **NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject

you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

DATED this 24<sup>th</sup> day of JANUARY, 2005.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

CERTIFICATE OF MAILING

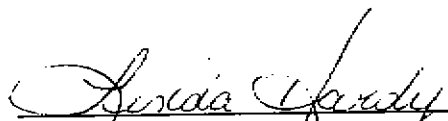
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION  
&  
ORDER**

To the following:

Melisa Gabrielsen  
aka Melisa Roberds  
101E Crandall Ave.  
Salt Lake City, UT 84106

DATED this 24<sup>th</sup> day of January, 2005

  
Linda Hardy Insurance Technician  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
(801) 538-3813